

## **REMARKS/ARGUMENTS**

Prior to this amendment, Claims 58-66 and 68-70 were pending in this application.

Applicants acknowledge the Examiner's indication that the previous rejections under 35 U.S.C. §101 and §112, first paragraph, for alleged lack of utility have been withdrawn, and that Claims 63-66 and 68 are allowed. The remaining written description rejections under 35 U.S.C. §112, first paragraph, are addressed below.

With this amendment, Claims 58-62 have been canceled without prejudice, and Claim 69 has been amended to correct the dependency upon a canceled claim. Applicants believe that the current amendments place all claims in *prima facie* condition for allowance or, at least, in a better form for consideration on appeal. Accordingly, the consideration and entry of the present amendment after final rejection is respectfully requested.

Claims 63-66, 68, 69 and 70 are pending after entry of the instant amendment. Applicants expressly reserve the right to pursue any canceled matter in subsequent continuation, divisional or continuation-in-part application(s).

The amendments to the specification is of a formal nature, and serves to make the title more specific.

### **II. Claim Rejections Under 35 U.S.C. §112, First Paragraph (Written Description)**

Claims 58-62 and 69-70 remain rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking adequate written description for the claimed variant polypeptides having at least 80-99% identity to SEQ ID NO:7, wherein the nucleic acid encoding the polypeptide is amplified in lung tumors.

Without acquiescing to the Examiner's rejection, and solely in order to expedite prosecution of the instant case, Applicants submit that Claims 58-62 have been canceled by amendment herein, and that Claim 69 has been amended herein to correct the dependence upon canceled Claim 62.

Accordingly, the written description rejection under 35 U.S.C. §112, first paragraph is now moot.

### **CONCLUSION**

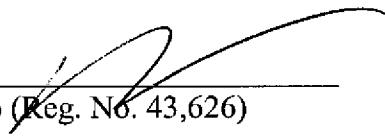
In conclusion, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned attorney at the telephone number shown below.

Although no fees are due, the Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. **08-1641**, referencing Attorney's Docket No. **39780-2630 P1C8**.

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: June 14, 2007

By:   
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6/14/07 10:12 AM (39780.2630)